

PATENT APPLICATION TRANSMITTAL LETTER

Mail Stop Patent Application
 Commissioner for Patent
 P.O. Box 1450
 Alexandria, VA 22313-1450

Case Docket No. 1.260.03
 Customer Number 4219

Transmitted herewith for filing are papers related to the patent application of:

314
 Inventor(s): **JOHN CADEN; JOHN HAWK; PATRICK JACOBS and MARTIN THOMPSON**

U.S. PTO
 Form: **EXERCISE ASSEMBLY FOR THE UPPER BODY**

Enclosed are:

2 sheet(s) of drawings.

Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i) Form

An assignment of the invention to:

Certified copy(ies) of the following application(s) the priority of which is hereby claimed under 35 USC §119:

A verified statement to establish small entity status under 37 C.F.R. 1.9 and 37 CFR 1.27

The filing fee has been calculated as shown below: Other than A

	<u>Small Entity</u>		<u>Small Entity</u>	
	<u>No.</u> <u>Filed</u>	<u>No.</u> <u>Extra</u>	<u>Rate</u>	<u>Fee</u>
Basic Fee				\$385 \$770
Total Claims	32	- 20 = 12	X 9 = 108	X 18 =
Independent claims	2	- 3 = 0	X 43 =	X 86 =
Multiple claims presented			X145 =	X290 =
Non-English Language				
				Total \$493 Total \$

Please charge my Deposit Account No. _____ in the amount of \$ _____.

A duplicate copy of this sheet is enclosed.

A check in the amount of \$493.00 to cover the filing fee is enclosed.

The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

Any additional filing fees required under 37 CFR 1.16.

Any patent application processing fees under 37 CFR 1.17.

The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Any patent application processing fees under 37 CFR 1.17.

The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance pursuant to 37 CFR 1.311(b).

10-17-2003

Date

FOR: **MALLOY & MALLOY, P.A.**
 2800 S.W. Third Avenue
 Historic Coral Way
 Miami, Florida 33129
 (305) 858-8000

James E. Wetterling, Jr.

Reg. No. 31,440

Peter A. Matos

Reg. No. 37,884

Jennie S. Malloy

Reg. No. 37,670

John Fulton, Jr.

Reg. No. 46,716

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The PTO did not receive the following
 listed item(s). A check for \$493.00
 is enclosed.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John Caden; John Hawk; Patrick Jacobs and
Martin Thompson

Serial No.:

Filing Date: October 17, 2003

For: EXERCISE ASSEMBLY FOR THE UPPER BODY

Customer Number 4219

2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
October 17, 2003

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY that this correspondence is being deposited by United States Express Mail, Label No. EL-920-409-669-US, in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, this 17 day of October, 2003.

Respectfully submitted,

MALLOY & MALLOY, P.A.
2800 S.W. Third Avenue
Historic Coral Way
Miami, Florida 33129
(305) 858-8000

By:

Peter A. Matos
Reg. No. 37,884

Date: 10-17-2003

**NONPUBLICATION REQUEST
UNDER
35 U.S.C. 122(b)(2)(B)(i)**

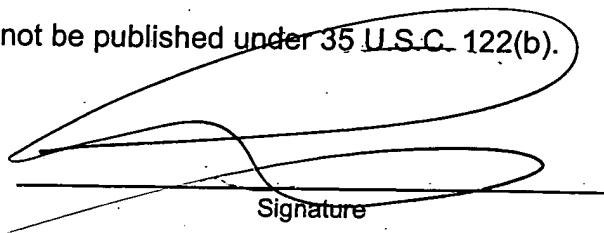
First Named Inventor	JOHN CADEN, et al.
Title	EXERCISE ASSEMBLY FOR THE UPPER BODY
Attorney Docket Number	1.260.03

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under **35 U.S.C. 122(b)**.

10-17-2003

Date



Signature

(305) 858-8000

Telephone number

Typed or printed name

**PETER A. MATOS
ATTORNEY FOR APPLICANT
Reg. No.: 37,884**

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

This collection of information is required by 37 CFR 1.213(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.